

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053471

02/09/2010

HON. CAREY SNYDER HYATT

CLERK OF THE COURT

C. Vigil

Deputy

IN RE THE MATTER OF
JOSHUA GREY DAWSON

JOSHUA GREY DAWSON
1801 W ORAIBI DR
PHOENIX AZ 85027

AND

LOIDA C SEMBLANTE

LOIDA C SEMBLANTE
9038 N 52ND DR
GLENDALE AZ 85302

AZ DEPARTMENT OF VITAL
RECORDS
CONCILIATION SERVICES-NE
TASC - PHOENIX

MINUTE ENTRY

Northeast Facility, Courtroom 104.

2:11 p.m. This is the time set for hearing on Mother's Request to Set Aside Decree. Petitioner, Joshua Dawson, is present on his own behalf. Respondent, Loida Semblante, is present on her own behalf.

A record of this proceeding is made by audio and/or video in lieu of a court reporter.

Joshua Dawson and Loida Semblante are sworn and questioned by the Court.

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The Court finds that Father did defraud Mother by lying to her whether he was going to go through with the proceedings, and further that the Notice of Default is defective.

The Court further finds that Father's behavior has not been in the best interest of the minor child by his actions in cutting Mother off from the child.

IT IS ORDERED granting Mother's Motion to Set Aside Decree previously signed on December 8, 2009.

IT IS FURTHER ORDERED that Mother is authorized to pick up the minor child from Father's sister's house immediately following this hearing.

Based upon the testimony, the Court makes the following findings and orders:

THE COURT FINDS that the minor child who is the subject of this action lived in Arizona with a parent for six consecutive months or more prior to the commencement of this action, or at least from the time of birth of the child until this action was commenced, such that Arizona is the home state of the child pursuant to A.R.S. 25-433(A)(1); and that this Court has jurisdiction over the parties and issues presented as authorized by law.

IT IS ORDERED declaring that Joshua Grey Dawson is the natural Father of the minor child, Sabella Destiny Dawson born on November 28, 2007 to Loida Semblante.

IT IS FURTHER ORDERED that Father shall have parenting time on alternate weekends commencing February 19, 2010 from Friday at 3:00 p.m. through Sunday at 3:00 p.m. Mother will be responsible for picking up the child on Sundays at the conclusion of Father's parenting time, and Father shall be responsible for picking up the child at the commencement of his parenting time.

IT IS FURTHER ORDERED directing Mother to file her Response to the Paternity Petition by no later than February 23, 2010.

IT IS FURTHER ORDERED the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

IT IS FURTHER ORDERED that immediately following this hearing each party is directed to pay the \$300 per party fee at the Clerk of the Court filing counter. Forms to request a fee deferral are available at the filing counter.

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WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

IT IS FURTHER ORDERED that Father shall appear at an appropriate TASC facility by 7:00 p.m. this date for a Hair Follicle Test and a Screen A drug test (full spectrum of 9 drugs). The result of the Hair Follicle Test and the Screen A drug test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of the test result.

IT IS FURTHER ORDERED that Father must pay for the cost of said Hair Follicle Test and the Screen A drug test, subject to reallocation at the time of Trial.

IT IS FURTHER ORDERED that if Father tests positive for any illegal substance, he shall be required to submit to weekly random Screen B drug testing under the colors program at TASC until further order of the Court.

IT IS FURTHER ORDERED setting Trial to the Court regarding legal custody, parenting time and child support on April 12, 2010 at 10:30 a.m. (90 minutes allowed) in this Division at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Courtroom 104
Phoenix, Arizona 85032

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial. Such a Motion shall set forth good cause to extend the time and specifically include a list of each and

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every witness who will testify, and an estimate of the time and subject matter of the expected testimony of each witness.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rule 49, Arizona Rules of Family Law Procedure, including an exchange of all relevant information and documents within the time limits set forth in Rule 49. In addition, the parties shall exchange final lists of witnesses, including a summary of the testimony of each witness, and exhibits no later than 30 days prior to Trial.

2. All depositions and discovery contemplated by Rules 51 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than 20 days prior to Trial.

3. Counsel and both parties shall personally meet, face to face (unless both parties are unrepresented and there has been domestic violence between them), at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pretrial Statement, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76(C), Arizona Rules of Family Law Procedure, no later than 5 days prior to trial, unless both parties are unrepresented and there has been domestic violence between them. If the parties are unrepresented and there has been domestic violence between them, they shall file separate pretrial statements.

IT IS FURTHER ORDERED that, in addition to the information required by Rule 76(C), the Pretrial Statement shall include:

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1. A current Affidavit of Financial Information completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as evidence by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).

2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.

4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

5. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested. The party requesting spousal maintenance also shall prepare a document stating the need for spousal maintenance, including a list of monthly expenses and a discussion of the factors under A.R.S. §25-319 justifying the amount of spousal maintenance.

6. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

7. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Schweiger v. China Doll Restaurant, Inc., 138 Ariz. 183, 673 P.2d 927 (App. 1983).

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71(A), Arizona Rules of Family Law Procedure and Local Rule 6.2(e), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if the parties have more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. The parties shall present the Clerk with

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their exhibits in consecutive, numerical order; Petitioner's exhibits shall begin with exhibit 1 and Respondent's exhibits shall continue in consecutive, numerical order thereafter. All exhibits must be presented to the Clerk for marking; a space will not be held for an exhibit that is listed on an Exhibit List, but omitted from the set delivered to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 30 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

3:40 p.m. Hearing concludes.

/ s / HONORABLE CAREY SNYDER HYATT

JUDGE OF THE SUPERIOR COURT

FILED: Acknowledgment and Notice of Parenting Conference (2)

ISSUED: TASC Form

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.